#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:	2002-00316				
PROJECT LOCA	TION INFORMATION:				
State:	New Jersey				
County:	Union				
	s of site (latitude/longitude):	1at-40-39	0-42 0120 lon:74-10-48 0000		
	of area (parcel) reviewed, in				
	vaterway: Peripheral Ditch	cidding a	plands. 60 acres.		
Name of watershe					
Name of watershe	d. NEWAKK BAT				
JURISDICTIONA	L DETERMINATION				
Completed:	Desktop determination	[]	Date:		
completeat	Site visit(s)	[X]	Date(s): September 23, 2003		
	5110 (1011(0)	[]	2 ato(5). 2 optomos: 25, 2002		
Jurisdictional I	Determination (JD):				
[X] Preliminary	JD - Based on available info	rmation,	there appear to be "waters of the United States" and/or "navigable waters		
of the United St	ates" on the project site. A	prelimina	ry JD is not appealable		
(Reference 33 C	FR part 331).				
[ ] Approved JD	- An approved JD is an app	ealable ac	ction (Reference 33 CFR part 331).		
Check all the	at apply:				
[ ] There are	"navigable waters of the Un	ited State	s" (as defined by 33 CFR part 329 and associated guidance)		
	reviewed area. Approxima				
,			<b>,</b>		
[ ] There are	"waters of the United States	" (as defin	ned by 33 CFR part 328 and associated guidance) within the		
	area. Approximate size of ju				
[ ] There are	[ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.				
			ory Bird Rule Information Sheet for Determination of No Jurisdiction.		
	,,,,		,		
BASIS OF JURIS	DICTIONAL DETERMINA	TION:			
A. Waters defin	ed under 33 CFR part 329	as "navi	gable waters of the United States":		
[ ] The presence	of waters that are subject to	the ebb a	and flow of the tide and/or are presently used, or have been used		
			ort interstate or foreign commerce.		
	,				
B. Waters defin	ed under 33 CFR part 328	.3(a) as "	waters of the United States":		
			ed, or were used in the past, or may be susceptible to use in		
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.					
[] (2) The presence of interstate waters including interstate wetlands <sup>1</sup> . [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,					
			et meadows, playa lakes, or natural ponds, the use, degradation or		
			imerce including any such waters (check all that apply):		
			tte or foreign travelers for recreational or other purposes.		
			all be taken and sold in interstate or foreign commerce.		
			· ·		
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US.					
[ ] (5) The presence of a tributary to a water identified in (1) - (4) above.					
[ ] (3) The presence of a friodiary to a water identified in (1) - (4) above.					

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce).

If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (6) The presence of territorial seas.

Wetlands are adjacent to the Peripheral Ditch which is a tributary to Newark Bay, a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:  [] Ordinary High Water Mark indicated by: [] light Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.	
[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: CR Corporation dated March 8, 1999	S
Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:	
<ul> <li>[ ] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.</li> <li>[ ] Artificially irrigated areas, which would revert to upland if the irrigation ceased.</li> <li>[ ] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or</li> </ul>	
rice growing.  [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).	
[ ] Isolated, intrastate wetland with no nexus to interstate commerce. [ ] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [ ] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [ ] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  [X] Maps, plans, plots or plat submitted by or on behalf of the applicant.  [] Data sheets prepared/submitted by or on behalf of the applicant.  [] This office concurs with the delineation report, dated , prepared by (company):  [] This office does not concur with the delineation report, dated , prepared by (company):	
[ ] Data sheets prepared by the Corps. [ ] Corps' navigable waters' studies: [ ] U.S. Geological Survey Hydrologic Atlas: [ ] U.S. Geological Survey 7.5 Minute Topographic maps: [ ] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[ ] U.S. Geological Survey 15 Minute Historic quadrangles: [ ] USDA Natural Resources Conservation Service Soil Survey: [ ] National wetlands inventory maps: [ ] State/Local wetland inventory maps:	
<ul> <li>[] FEMA/FIRM maps (Map Name &amp; Date):</li> <li>[] 100-year Floodplain Elevation is: (NGVD)</li> <li>[] Aerial Photographs (Name &amp; Date):</li> <li>[] Other photographs (Date):</li> <li>[] Advanced Identification Wetland maps:</li> </ul>	
[X] Site visit/determination conducted on: September 23, 2003  [] Applicable/supporting case law:  [X] Other information (please specify):  Permits issued to Continental Airlines for activities in the Peripheral Ditch.	
<sup>1</sup> Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).	87

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-00667

PROJECT LOCATION INFORMATION: New York State: Suffolk County:

Center coordinates of site (latitude/longitude): lat:41-1-0.0120 lon:72-10-0.0120 Approximate size of area (parcel) reviewed, including uplands: .01 acres.

Name of nearest waterway: Three Mile Harbor Name of watershed: GARDINERS BAY

JURISDICTIONAL DET	TERMINATION
Completed:	Desktop determination

Site visit(s)	r i	Dato(5).
Jurisdictional Determination (JD):		

Date: July 6, 2004

[X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
[ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands1.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [](7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Three Mile Harbor is a tributary of Gardiners Bay which is navigable.

0[] ] ] ] ]	ral Extent of Jurisdiction: (Reference: 33 CFR perdinary High Water Mark indicated by: ] clear, natural line impressed on the bank ] the presence of litter and debris ] changes in the character of soil ] destruction of terrestrial vegetation ] shelving ] other:	parts 328 and 329)  [X] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [] tidal gages [] other:
	Mean High Water Mark indicated by: X] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[] W	Vetland boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
T[] U(] H(] I(] I() I() I() I() I() I() I()	The United States:  Waste treatment systems, including treatment por artificially irrigated areas, which would revert to a treatment and ponds created by excavating retain water and which are used exclusively for since growing.  Artificial reflecting or swimming pools or other show excavating and/or diking dry land to retain we are water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meets 328.3(a).  Isolated, intrastate wetland with no nexus to inter	basis of 33 CFR part 328.3(a)(3).  nat the following waters present on the site are not Waters of a control of the site are not Waters of a control of the site are not Waters of a control of the site are not Waters of a control of the site are not Waters of a control of the site are not Waters of a control of the site are not Waters of the site are not water of the site are not waters of the United States found at 33 CFR site commerce.
	Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:
[X] ! [] D [] C [] C [] U [] U [] U [] S [] S [] A [] S [] S	Maps, plans, plots or plat submitted by or on behalt bata sheets prepared/submitted by or on behalt as heets prepared/submitted by or on behalt of the late sheets prepared by the delineation report, deliate sheets prepared by the Corps. Orops' navigable waters' studies: d.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic m. S. Geological Survey 7.5 Minute Historic quadranty. S. Geological Survey 15 Minute Historic quadranty. S. Geological Survey 16 Minute Historic quadranty. S. Geological Survey 17 Minute Historic quadranty. S	f of the applicant.  te applicant.  ated , prepared by (company):  report, dated , prepared by (company):  aps: 10-29-2003  gles: gles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:	2004-00291		
PROJECT LOCATIO			
State:	New York		
County:	Saratoga		
	nates of site (latitude/longitude)		
	size of area (parcel) reviewed, i		
	est waterway: Unnamed Tribut		
Name of wate	rshed: HUDSON RIVER	NORT	H OF TROY
JURISDICTIONAL DI	ETERMINATION		
Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Date(s): March 30, 2004
Jurisdictional	Determination (JD):		
United Sta			X] there appear to be (or) [] there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable
[] Approved. Check all t		ealable ac	tion (Reference 33 CFR part 331).
	re "navigable waters of the Uni he reviewed area. Approximat		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
	re "waters of the United States' d area. Approximate size of ju		ned by 33 CFR part 328 and associated guidance) within the last area:
			nters or wetlands" within the reviewed area. y Bird Rule Information Sheet for Determination of No Jurisdiction
BASIS OF JURISDIC	FIONAL DETERMINATION:		
A. Waters de	fined under 33 CFR part 329	as "navis	gable waters of the United States":
			and flow of the tide and/or are presently used, or have been used
in the past,	or may be susceptible for use	to transpo	ort interstate or foreign commerce.
R Waters det	ined under 33 CFR part 328.	3(a) as "	waters of the United States".
			d, or were used in the past, or may be susceptible to use in
			ters which are subject to the ebb and flow of the tide.
	sence of interstate waters inclu		
			lakes, rivers, streams (including intermittent streams), mudflats,
sandflat	s, wetlands, sloughs, prairie por	tholes, we	tet meadows, playa lakes, or natural ponds, the use, degradation of

destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the site are contiguous with an unnamed tributary to the Snook Kill, which is a tributary to the Hudson River, a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR p	parts 328 and 329)			
[X] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:			
[X] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects			
[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)			
[X] changes in the character of soil	[ ] physical markings/characteristics			
[X] destruction of terrestrial vegetation	[ ] tidal gages			
[X] shelving	[ ] other:			
[X] other: a defined bed and banks				
C. J. Marrie L. Western, Marrie in discount from				
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	. I I variation lines/shanges in variation types			
[ ] survey to available datum, [ ] physical markings	, [] vegetation intes/changes in vegetation types.			
[X] Wetland boundaries, as shown on the attached wetland Paul F. Tommell, L.S., P.C.	and delineation map and/or in a delineation report prepared by:			
Basis For Not Asserting Jurisdiction:				
[] The reviewed area consists entirely of uplands.				
[] Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).			
[] Headquarters declined to approve jurisdiction on the				
[] The Corps has made a case-specific determination the	nat the following waters present on the site are not Waters of			
the United States:				
[ ] Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CFR part 328.3.			
[ ] Artificially irrigated areas, which would revert to	upland if the irrigation ceased.			
[] Artificial lakes and ponds created by excavating				
retain water and which are used exclusively for s	such purposes as stock watering, irrigation, settling basins, or			
rice growing.				
[ ] Artificial reflecting or swimming pools or other				
by excavating and/or diking dry land to retain wa				
[ ] Water-filled depressions created in dry land incid	dental to construction activity and pits excavated in dry land for			
	ess and until the construction or excavation operation is			
abandoned and the resulting body of water meets	the definition of waters of the United States found at 33 CFR			
328.3(a).				
[ ] Isolated, intrastate wetland with no nexus to inter-	rstate commerce.			
[ ] Prior converted cropland, as determined by the N	latural Resources Conservation Service. Explain rationale:			
[ ] Non-tidal drainage or irrigation ditches excavated	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:			
[ ] Other (explain):				
DATA REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that anniv):			
[X] Maps, plans, plots or plat submitted by or on behalf				
[X] Data sheets prepared/submitted by or on behalf of t				
[ ] This office concurs with the delineation report, d				
	port, dated November 2003, prepared by: Copeland Environmental			
[] Data sheets prepared by the Corps.	port, auteu 1 to romber 2005, prepared by. Coperand in monimental			
[] Corps' navigable waters' studies:				
[] U.S. Geological Survey Hydrologic Atlas:				
[X] U.S. Geological Survey 7.5 Minute Topographic ma	ans: Ganseyoort NY			
[ ] U.S. Geological Survey 7.5 Minute Historic quadran				
[ ] U.S. Geological Survey 15 Minute Historic quadrant				
[X] USDA Natural Resources Conservation Service Soi				
National wetlands inventory maps:	our reyr curatogu county, tt			
[X] State/Local wetland inventory maps: Gansevoort N	VSDEC Wetlands Man			
[ ] FEMA/FIRM maps (Map Name & Date):	10000 Welland Map			
[ ] 100-year Floodplain Elevation is: (NGVD)				
[X] Aerial Photographs (Name & Date): (not given)				
[X] Other photographs (Date): 30 Mar 04				
Advanced Identification Wetland maps:				
[X] Site visit/determination conducted on: 30 Mar 04				
[] Applicable/supporting case law:				
[X] Other information (please specify):				
Discussions with former landowner, Mr. Thon	nas Cronin, on 30 Mar 04			
Wetlands are identified and delineated using the methods and criteri				
(i.e., occurrence of hydrophytic vegetation, hydric soils and wetle				

 $^2$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) 2004-00652 FILE NUMBER: PROJECT LOCATION INFORMATION: State: New York County: Nassau Center coordinates of site (latitude/longitude): lat:40-50-49.5600 lon:73-39-11.1600 Approximate size of area (parcel) reviewed, including uplands: 1.0 acres. Name of nearest waterway: Hempstead Bay HEMPSTEAD BAY Name of watershed: JURISDICTIONAL DETERMINATION Desktop determination Completed: [X] Date: June 18, 2004 Date(s): Site visit(s) [] Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands1. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Hempstead Bay is subject to the ebb and flow of the tide and is therefore a navigable waterway.

[] (4) Impoundments of waters otherwise defined as waters of the US.
[] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR p  [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	Example 228 and 329)  [X] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [X] other: Applicants plans
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
the United States:  [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for s rice growing. [] Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain water and the purpose of obtaining fill, sand, or gravel unle abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to inter	basis of 33 CFR part 328.3(a)(3).  nat the following waters present on the site are not Waters of ands or lagoons, pursuant to 33 CFR part 328.3.  pupland if the irrigation ceased.  and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons.  Idental to construction activity and pits excavated in dry land for sets and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR restate commerce.  Natural Resources Conservation Service. Explain rationale:
[ ] National wetlands inventory maps: [ ] State/Local wetlands inventory maps: [ ] Tem Avatural Resources Conservation Service Soil [ ] Advanced Identification Wetland maps: [ ] Other photographs (Name & Date): [ ] Other photographs (Name & Date): [ ] Other information (please specify): [ ] Other information (please specify):	f of the applicant.  the applicant.  lated , prepared by (company):  report, dated , prepared by (company):  ps:  gles: gles:

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT ( 2004-00806	(CENAN)				
PROJECT LOCATION State:						
County:	Rockland		12.0000   74.2.25.0000			
	tes of site (latitude/longitude): ze of area (parcel) reviewed, i					
	t waterway: Pascack Brook					
Name of waters		RIVER				
JURISDICTIONAL DE	FERMINATION					
Completed:	Desktop determination	[X]	Date: October 28, 2004			
•	Site visit(s)	[]	Date(s):			
Jurisdictional I	Determination (JD):					
United State			(I) there appear to be (or) [] there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable			
[ ] Approved JE Check all the		ealable act	ion (Reference 33 CFR part 331).			
	e "navigable waters of the Unite reviewed area. Approximate		(as defined by 33 CFR part 329 and associated guidance) urisdictional area:			
	e "waters of the United States" area. Approximate size of ju		ed by 33 CFR part 328 and associated guidance) within the all area:			
			ters or wetlands" within the reviewed area.  Bird Rule Information Sheet for Determination of No Jurisdiction.			
BASIS OF JURISDICTI	IONAL DETERMINATION:					
			able waters of the United States":			
			nd flow of the tide and/or are presently used, or have been used $\underline{\mathbf{n}}$ interstate or foreign commerce.			
B. Waters defin	ned under 33 CFR part 328.	.3(a) as "v	vaters of the United States":			
			d, or were used in the past, or may be susceptible to use in			
	or foreign commerce, includi		ers which are subject to the ebb and flow of the tide.			
			akes, rivers, streams (including intermittent streams), mudflats,			
sandflats,	, wetlands, sloughs, prairie pot	tholes, wet	meadows, playa lakes, or natural ponds, the use, degradation or			
			nerce including any such waters (check all that apply):			
			e or foreign travelers for recreational or other purposes.  Id be taken and sold in interstate or foreign commerce.			
	[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Pascack Brook is tributary to the Hackensack River which becomes navigable.

[ ] (4) Impoundments of waters otherwise defined as waters of the US.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[ ] (6) The presence of territorial seas.

[ ] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[ ] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[ ] oil or seum line along shore objects
[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
changes in the character of soil	[ ] physical markings/characteristics
[ ] destruction of terrestrial vegetation	[ ] tidal gages
shelving	[X] other: Applicant's drawings & photos
[ ] other:	
[] Mean High Water Mark indicated by:	
[X] survey to available datum; [] physical marking	ngs; [] vegetation lines/changes in vegetation types.
[ ] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[ ] The reviewed area consists entirely of uplands.	
[ ] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
[ ] Headquarters declined to approve jurisdiction on th	
	that the following waters present on the site are not Waters of
the United States:	
[ ] Waste treatment systems, including treatment po	onds or lagoons, pursuant to 33 CFR part 328.3.
[ ] Artificially irrigated areas, which would revert	
Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	FF
[ ] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
by excavating and/or diking dry land to retain v	
	idental to construction activity and pits excavated in dry land for
	less and until the construction or excavation operation is
	ts the definition of waters of the United States found at 33 CFR
328.3(a).	
[ ] Isolated, intrastate wetland with no nexus to int	erstate commerce
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
[ ] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERMINA	TION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on beha	
[ ] Data sheets prepared/submitted by or on behalf of	
[] This office concurs with the delineation report,	
[ ] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[X] Corps' navigable waters' studies:	
[ ] U.S. Geological Survey Hydrologic Atlas:	
[ ] U.S. Geological Survey 7.5 Minute Topographic m	
[ ] U.S. Geological Survey 7.5 Minute Historic quadra	
[ ] U.S. Geological Survey 15 Minute Historic quadran	
[ ] USDA Natural Resources Conservation Service Soi	il Survey:
[] National wetlands inventory maps:	
[ ] State/Local wetland inventory maps:	
[ ] FEMA/FIRM maps (Map Name & Date):	
[ ] 100-year Floodplain Elevation is: (NGVD)	
[ ] Aerial Photographs (Name & Date):	
[X] Other photographs (Date): February 17, 2004	
[ ] Advanced Identification Wetland maps:	
[ ] Site visit/determination conducted on:	
[ ] Applicable/supporting case law:	
[ ] Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $<sup>^2</sup>$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:

NEW YORK DISTRICT (CENAN) 2004-00846

PROJECT LOCATION I	NFORMATION: New Jersey		
County: Center coordinate Approximate size	Union es of site (latitude/longitude) e of area (parcel) reviewed, i waterway: Newark Bay		40-52.2120 lon:74-12-32.4000 uplands: 2.0 acres.
JURISDICTIONAL DET	ERMINATION		
Completed:	Desktop determination Site visit(s)	[X]	Date: September 1, 2004 Date(s):
Jurisdictional D	etermination (JD):		
United States			[X] there appear to be (or) [] there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable
[] Approved JD Check all that	• • • • • • • • • • • • • • • • • • • •	alable ac	stion (Reference 33 CFR part 331).
	"navigable waters of the Uni reviewed area. Approximat		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
	"waters of the United States area. Approximate size of ju		ined by 33 CFR part 328 and associated guidance) within the nal area: 0.42
			aters or wetlands" within the reviewed area.  y Bird Rule Information Sheet for Determination of No Jurisdiction.
A. Waters defin [X] The presence	of waters that are subject to	as "navigo the ebb	gable waters of the United States": and flow of the tide and/or are presently used, or have been used out interstate or foreign commerce.
[X] (1) The pressinterstate of interstate of [X] (2) The press sandflats, destruction [] (i) v [] (iii) [] (iii) [] (iii) [] (iii) [] (5) The prese [] (6) The prese	ence of waters, which are culor foreign commerce, includi- ence of interstate waters includi- ence of other waters such as i- wetlands, sloughs, prairie pot- on of which could affect inter- which are or could be used by from which fish or shellfish which are or could be used ents of waters otherwise de- ence of a tributary to a water- nce of territorial seas.	rrently using all wa uding intentrastate landles, we state coming interstate are or course for industrial industrial as we identified	lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): te or foreign travelers for recreational or other purposes. uld be taken and sold in interstate or foreign commerce. trial purposes by industries in interstate commerce. vaters of the US.
			s to any boxes checked above). If the jurisdictional water or wetland

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

The wetlands on the site are contiquous with the an unnamed tributary, which is tributary to Newark Bay, a navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR				
	[ ] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:			
	[] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects			
	[ ] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)			
	[ ] changes in the character of soil	[X] physical markings/characteristics			
	[] destruction of terrestrial vegetation	[ ] tidal gages			
	[] shelving	[ ] other:			
	[] other:	••			
	• •				
	[ ] Mean High Water Mark indicated by:				
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.				
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Schoor				
	Depalma Inc.				
	Basis For Not Asserting Jurisdiction:				
	[] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).				
	[] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:				
	[] Waste treatment systems, including treatment pe	ande ar laggane nursuant to 33 CEP part 328 3			
	[ ] Artificially irrigated areas, which would revert				
	[ ] Artificial lakes and ponds created by excavating				
retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing.					
	[ ] Artificial reflecting or swimming pools or other	emall arramental hadies of water created			
	by excavating and/or diking dry land to retain v				
		idental to construction activity and pits excavated in dry land for			
		less and until the construction or excavation operation is			
		ts the definition of waters of the United States found at 33 CFR			
	[ ] Isolated, intrastate wetland with no nexus to inte	erstate commerce.			
		Natural Resources Conservation Service. Explain rationale:			
	Non-tidal drainage or irrigation ditches excavate	•			
	Other (explain):	and the supplier recorders.			
	[1 out. (orbinal).				
DATA 1	REVIEWED FOR JURISDICTIONAL DETERMINA				
	[X] Maps, plans, plots or plat submitted by or on beha				
	[ ] Data sheets prepared/submitted by or on behalf of	••			
	[ ] This office concurs with the delineation report,				
	[ ] This office does not concur with the delineation	report, dated , prepared by (company):			
	[ ] Data sheets prepared by the Corps.				
	[ ] Corps' navigable waters' studies:				
	[ ] U.S. Geological Survey Hydrologic Atlas:				
	[ ] U.S. Geological Survey 7.5 Minute Topographic m				
	[ ] U.S. Geological Survey 7.5 Minute Historic quadra				
	[ ] U.S. Geological Survey 15 Minute Historic quadran				
	[ ] USDA Natural Resources Conservation Service Soi	I Survey:			
	[ ] National wetlands inventory maps:				
	[ ] State/Local wetland inventory maps:				
	[ ] FEMA/FIRM maps (Map Name & Date):				
	[ ] 100-year Floodplain Elevation is: (NGVD)				
	[ ] Aerial Photographs (Name & Date):				
	[ ] Other photographs (Date):				
	[ ] Advanced Identification Wetland maps:				
	[ ] Site visit/determination conducted on:				
	[ ] Applicable/supporting case law:				
	Other information (please specify):				
	, , , , , , , , , , , , , , , , , , ,				
11Matlan	de are identified and delineated using the methods and criter	ria established in the Corns Wetland Delineation Manual (87 Manual)			

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

	NEW YORK DISTRICT (CENAN) 2004-00995					
County: Sara	York toga ite (latitude/longitude): ea (parcel) reviewed, in	cluding u	•			
	NATION ktop determination visit(s)	[X] [ ]	Date: November 4, 2004 Date(s):			
Jurisdictional Determi	ination (JD):					
United States" and/o	[X] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
L 4	[] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	s of the United States" Approximate size of jur		d by 33 CFR part 328 and associated guidance) within the l area:			
			ers or wetlands" within the reviewed area. Bird Rule Information Sheet for Determination of No Jurisdiction			
[] The presence of wat	der 33 CFR part 329 atters that are subject to t	he ebb an	able waters of the United States":  Id flow of the tide and/or are presently used, or have been used  t interstate or foreign commerce.			
[] (1) The presence of interstate or fore [] (2) The presence of [] (3) The presence of sandflats, wetlam destruction of where the content of	waters, which are curred ign commerce, including interstate waters included other waters such as in the state of could affect interstate or could be used by which fish or shellfish a	ently used ag all water ling inters strastate la noles, wet tate comment interstate re or coul	aters of the United States": , or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. tate wetlands¹.  kes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erece including any such waters (check all that apply):  or foreign travelers for recreational or other purposes.  d be taken and sold in interstate or foreign commerce.  ial purposes by industries in interstate commerce.			

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the item are contiguous with the Snook

Kill or an unnamed tributary to the Snook Kill, which is a tributary to the Hudson River, a navigable waterway.

[ ] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR  [X] Ordinary High Water Mark indicated by:  [X] clear, natural line impressed on the bank  [] the presence of litter and debris  [] changes in the character of soil  [X] destruction of terrestrial vegetation  [X] shelving  [X] other: a defined bed and banks	parts 328 and 329)  [] High Tide Line indicated by:				
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.				
[X] Wetland boundaries, as shown on the attached wetl Ingalls and Associates, LLP	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by Ingalls and Associates, LLP				
the United States:  [] Waste treatment systems, including treatment po [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w [] Water-filled depressions created in dry land incit the purpose of obtaining fill, sand, or gravel unl abandoned and the resulting body of water meet 328.3(a). [] Isolated, intrastate wetland with no nexus to interest the suppose of	e basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. o upland if the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created rater for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land focess and until the construction or excavation operation is s the definition of waters of the United States found at 33 CFR existate commerce.				
DATA REVIEWED FOR JURISDICTIONAL DETERMINAT  [X] Maps, plans, plots or plat submitted by or on behal  [X] Data sheets prepared/submitted by or on behal for  [X] This office concurs with the delineation report,  [] This office does not concur with the delineation  [] Data sheets prepared by the Corps.  [] Corps' navigable waters' studies:  [] U.S. Geological Survey Hydrologic Atlas:  [X] U.S. Geological Survey 7.5 Minute Topographic m  [] U.S. Geological Survey 7.5 Minute Historic quadran  [] U.S. Geological Survey 15 Minute Historic quadran  [X] USDA Natural Resources Conservation Service So:  [] National wetlands inventory maps:  [] State/Local wetland inventory maps:  [] FEMA/FIRM maps (Map Name & Date):  [] 100-year Floodplain Elevation is: (NGVD)  [] Aerial Photographs (Name & Date):  [X] Other photographs (Date): 30 Jun 04  [] Advanced Identification Wetland maps:  [] Site visit/determination conducted on:  [] Applicable/supporting case law:  [] Other information (please specify):	If of the applicant. the applicant. dated 17 Sep 04, prepared by: Ingalls and Associates, LLP report, dated , prepared by (company):  haps: Gansevoort, NY ngles: gles:				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT (CENAN) 2004-01019					
PROJECT LOCATION INFORMATION: State: New York County: Queens Center coordinates of site (latitude/longitude): lat:40-34-0.0120 lon:73-49-59.9880 Approximate size of area (parcel) reviewed, including uplands: .25 acres. Name of nearest waterway: Jamaica Bay Name of watershed: JAMAICA BAY						
JURISDICTIONAL DETI Completed:	ERMINATION  Desktop determination  Site visit(s)	[X]	Date: September 30, 2004 Date(s):			
Jurisdictional De	etermination (JD):					
United States	[X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
[] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	[ ] <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction						
BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.						
<ul> <li>B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":</li> <li>[] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>[] (2) The presence of interstate waters including interstate wetlands¹.</li> <li>[] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation of destruction of which could affect interstate commerce including any such waters (check all that apply):</li> <li>[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>[] (4) Impoundments of waters otherwise defined as waters of the US.</li> <li>[] (5) The presence of a tributary to a water identified in (1) - (4) above.</li> <li>[] (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands</li> <li>[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands</li> </ul>						
£ 3 (1) = 11 Present						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)			
	[ ] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:			
	[] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects			
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)			
	changes in the character of soil	[X] physical markings/characteristics			
	[ ] destruction of terrestrial vegetation	[] tidal gages			
	[] shelving	[ ] other:			
	[] other:				
	[X] Mean High Water Mark indicated by:				
	[X] survey to available datum; [] physical marking	as: [] vegetation lines/changes in vegetation types			
	[A] survey to available datum, [] physical marking	53, [] vegetation intestendinges in vegetation types.			
	[ ] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: $\frac{1}{2}$				
	Basis For Not Asserting Jurisdiction:				
	[ ] The reviewed area consists entirely of uplands.				
	[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1, 2, or 4-7).			
	[] Headquarters declined to approve jurisdiction on the				
		hat the following waters present on the site are not Waters of			
	the United States:	hat the following waters present on the site are not waters of			
	[ ] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.			
	[] Artificially irrigated areas, which would revert to				
	Artificial lakes and ponds created by excavating				
		such purposes as stock watering, irrigation, settling basins, or			
	rice growing.	such purposes as stock watering, hingation, setting dusins, or			
	Artificial reflecting or swimming pools or other	small amamental hadies of water created			
	by excavating and/or diking dry land to retain w				
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is				
		s the definition of waters of the United States found at 33 CFR			
	328.3(a).				
	[] Isolated, intrastate wetland with no nexus to inte				
	[ ] Prior converted cropiand, as determined by the r	Natural Resources Conservation Service. Explain rationale:			
	[ ] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:			
	Other (explain):	, ····			
	(1)				
n . m .	SELVENIES CON MUNICIPATION A SETTEMBRICAL DE	NON ( I Will ( I I)			
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT				
	[X] Maps, plans, plots or plat submitted by or on behal				
	[ ] Data sheets prepared/submitted by or on behalf of the				
	[ ] This office concurs with the delineation report, of				
	[] This office does not concur with the delineation	report, dated , prepared by (company):			
	[ ] Data sheets prepared by the Corps.				
	[ ] Corps' navigable waters' studies:				
	[ ] U.S. Geological Survey Hydrologic Atlas:				
	[X] U.S. Geological Survey 7.5 Minute Topographic m				
	[ ] U.S. Geological Survey 7.5 Minute Historic quadran	ngles:			
	[ ] U.S. Geological Survey 15 Minute Historic quadran	gles:			
	[ ] USDA Natural Resources Conservation Service Soil	Survey:			
	[ ] National wetlands inventory maps:				
	[ ] State/Local wetland inventory maps:				
	[ ] FEMA/FIRM maps (Map Name & Date):				
	[ ] 100-year Floodplain Elevation is: (NGVD)				
	[ ] Aerial Photographs (Name & Date):				
	[X] Other photographs (Date): 8/18/2004				
	Advanced Identification Wetland maps:				
	Site visit/determination conducted on:				
	[ ] Applicable/supporting case law:				
	[] Other information (please specify):				
	[ ] Care. Anomation (pieuse specity).				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.